

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARTIK BROTHERS, INC.,

Plaintiff,

08cv1756

ELECTRONICALLY FILED

v.

KIEBLER SLIPPERY ROCK, LLC,

Defendant.

ORDER OF COURT

AND NOW, this 3rd day of September, 2009, after careful consideration of plaintiff Martik Brothers, Inc.'s Motion to Compel Discovery Response of Paul Kiebler pursuant to Federal Rule of Civil Procedure 37 (Doc. No. 52) and defendant Kiebler Slippery Rock, LLC's Answer thereto (Doc. No. 55), and the attachments to the motion and answer, IT IS HEREBY ORDERED that the motion to compel is DENIED as moot.

The Court finds that plaintiff's motion to compel is rendered largely, if not entirely, moot by the discovery disclosures provided shortly after said motion was filed. See Answer (Doc. No. 55-2). To the extent plaintiff disagrees with defendant that the disclosures render the motion moot and is unable to reach an agreement on any remaining disputed matters with defendant, this denial is without prejudice for plaintiff to file a second motion to compel.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: all ECF Registered counsel